

BOARD OF APPEALS CASE NO. 4987  
APPLICANT: James Criss  
REQUEST: Variance to create a lot  
without the required 25 feet of road  
frontage; 1346 Knopp Road, Jarrettsville

HEARING DATE: January 12, 2000

BEFORE THE  
ZONING HEARING EXAMINER  
OF HARFORD COUNTY  
Hearing Advertised  
Aegis: 11/24/99 & 12/1/99  
Record: 11/26/99 & 12/3/99

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### ZONING HEARING EXAMINER'S DECISION

The Applicant, James C. Criss, appeared before the Hearing Examiner requesting a variance to Section 267-22(C) of the Harford County Code, to create a lot without the required 25 feet of road frontage.

The subject property is located at 1346 Knopp Road, Jarrettsville, Maryland in the Fourth Election District. The parcel is more specifically identified as Parcel No. 325/202, in Grid 3E on Tax Map 24. The parcel is approximately 2 acres in size and is zoned Agricultural (AG).

Mr. Criss appeared and testified that he is the owner of 2 adjacent lots, one behind the other, on Knopp Road in Jarrettsville. The front lot, approximately ½ acre in size, is improved by a single family home and contains 90 feet of road frontage. The rear lot, containing approximately 2 acres, is currently vacant, has no road frontage, and is only accessible via a 50 foot right of way which has been granted to the Applicant by an adjoining property owner. Mr. Criss produced a copy of the document granting the right of way, and this was marked and admitted as evidence at the hearing. Mr. Criss intends to use the rear lot for his son's residence. However, Mr. Criss testified that, because of the design of the two parcels and the location of the house on the front lot, there is no way to construct a driveway or other access to the rear lot on his own property. Due to the unique shape of the two parcels in relationship to each other and the location of the home on the property, it would be impossible to create access to the rear lot directly from the road without utilizing the existing right of way. Mr. Criss also testified that if the variance were granted it would not change the current use or in any way adversely affect the adjoining properties.

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Anthony S. McClune, from the Department of Planning and Zoning, appeared and testified that he participated in the preparation of the Staff Report for the subject request. Mr. McClune indicated that the two parcels in question were designated as separate parcels prior to 1977 and thus each parcel contains one development right. The rear parcel is essentially landlocked and can only be accessed through the proposed easement across an adjoining property owned by Mr. and Mrs. Kenneth Quick, creating a unique circumstance with regard to the rear parcel. The proposed access will share a portion of the Quick's existing driveway. Mr. McClune also testified that the proposed variance would not be detrimental to any adjoining property and would utilize an existing right of way. Mr. McClune did recommend that the Applicant submit legal documentation of the proposed easement and such document was provided to Mr. McClune by Mr. Criss at the hearing. No one appeared in opposition to this request.

### **CONCLUSION:**

Section 267-11(A) of the Harford County Code provides that variances from specific provisions of the Code may be granted if:

- 1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.
- 2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.

As noted above, the Applicant is requesting a variance from the provisions of Section 267-22(C) which requires that lots have a minimum of 25 feet of frontage onto a County road. The undisputed evidence in this matter demonstrates that the subject parcel is effectively landlocked and inaccessible without the granting of a variance which would allow access via an easement across adjoining property.

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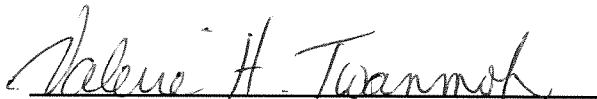
Based upon the testimony and the evidence presented at the hearing, it is finding of the Hearing Examiner that it is the unique design of these two parcels, in relation to each other and to the roadway, which has left the rear parcel without the required frontage to the road. In addition, there is also undisputed evidence that a right of way which will provide access to the subject property has been in existence for some time, with no objection or opposition from adjacent property owners. Since the property has already been granted one development right, it is clear that the granting of the requested variance will not be substantially detrimental to the adjacent properties, nor will it impair the intent and purpose of the Code, the Master Plan, or the public interest.

Accordingly, it is the recommendation of the Hearing Examiner that the variance to the required 25 feet of road frontage be approved, subject to the following conditions:

1. The Applicant shall submit for review and approval a preliminary plan in accordance with all other requirements of the Zoning Code and the Subdivision Regulations;
2. The Applicant shall submit any further documentation of the proposed easement requested by the County for its review. Such easement shall be recorded in the Land Records of Harford County along with the final plat.

Date

2/14/00



Valerie H. Twanmoh  
Zoning Hearing Examiner